

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 14, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JANE DOE,

Plaintiff,

v.

T-MOBILE USA, INC. and WIRELESS

VISION, LLC,

Defendants.

No. 4:23-CV-05166-SAB

**ORDER GRANTING
UNOPPOSED MOTION TO
PROCEED UNDER
PSEUDONYM**

Before the Court is Plaintiff's Unopposed Motion to Proceed under Pseudonym, ECF No. 29. The motion was heard without oral argument. Plaintiff is represented by Carrie Goldberg, Emma Aubrey, and Laura Hecht-Felella.

Defendant T-Mobile USA is represented by Caroline Morgan and Sean Russel.

Defendant Wireless Vision, LLC is represented by Kristin Meier, Perie Koyama, and Sean Russel.

Plaintiff has used the pseudonym Jane Doe instead of her real name in court filings. She asks the Court for permission to continue to do so in pretrial public filings. She indicates that Defendant knows her real name.

Background Facts

The following facts are taken from Plaintiff's Amended Complaint:

After Plaintiff purchased a new iPhone, an employee at the T-Mobile store at the Kennewick Center Mall offered to migrate the data from her old phone to her

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1 new one. Unbeknownst to Plaintiff, while her device was in the custody of T-
2 Mobile, the employee stole intimate images and videos of Plaintiff off her phone
3 and distributed them. The employee accessed her old phone without authorization,
4 hacked into a social media account, and using her Snapchat account, distributed
5 nude images and a sex video of Plaintiff on Snapchat.

6 Plaintiff brought suit against Defendants in Benton County Superior Court.
7 Defendants removed the action to the Eastern District of Washington. After
8 Defendants moved to dismiss the action, Plaintiff filed an Amended Complaint,
9 alleging the following claims: (1) negligence; (2) intrusion upon solitude or
10 seclusion; (3) outrage; (4) negligent misrepresentation; (5) negligent hiring and
11 retention; (6) unauthorized disclosure of intimate images; (7) sexual harassment;
12 (8) Washington Consumer Protection Act; (9) Civil Action Relating to Disclosure
13 of Intimate Images, 15 U.S.C. § 6851, (10) Computer Fraud & Abuse Act, 18
14 U.S.C. § 1030; (11) Trespass to Chattels; and (12) Conversion.

15 **Motion Standard**

16 Rule 10(a) requires that the title of every complaint “include the names of all
17 the parties.” Thus, the normal presumption in litigation is that parties must use
18 their real names. *Does v. Kamehameha Schools/Bernice Pauahi Bishop Estate*, 596
19 F.3d 1036 (9th Cir. 2010). Even so, the Ninth Circuit has permitted parties to
20 proceed anonymously when special circumstances justify secrecy. *Does I thru*
21 *XXIII v. Advanced Textile Corp.*, 1067-68 (9th Cir. 2000); *see also e.g. Roe v.*
22 *Wade*, 410 U.S. 113 (1973). Specifically, the Ninth Circuit allows parties to use
23 pseudonyms in the “unusual case” where nondisclosure of the parties’ identity is
24 necessary to protect a person from harassment, injury, ridicule or personal
25 embarrassment. *Advanced Textile Corp.*, 214 F.3d at 1068 (quotation omitted). The
26 Ninth Circuit asks whether the party’s need for anonymity outweighs the prejudice
27 to the opposing party and the public’s interest in knowing the party’s identity. *Id.*
28 at 1069. Recognizing that the balance between the party’s need for anonymity and

1 the interests weighing in favor of open judicial proceedings may change as the
2 litigation progresses, the Ninth Circuit requires district courts to determine the
3 precise prejudice at each stage of the proceedings to the opposing party, and
4 whether proceedings may be structured so as to mitigate that prejudice. *Id.* at 1068.
5 Finally, district courts must consider whether the public's interest in the case
6 would be best served by requiring that the litigants reveal their identities. *Id.*

7 Washington law permits plaintiffs to proceed pseudonymously when they
8 bring claims for unauthorized disclosure of intimate images. Wash. Rev. Code §
9 7.110.040.

10 Analysis

11 Because Defendants know the real name of Plaintiff and therefore are not
12 prejudiced, the focus of the Court's inquiry is whether the public's interest in the
13 case would be best served by requiring Plaintiff to reveal her identity. The Court
14 finds that it would not.

15 While the alleged facts are concerning and may impact future phone
16 purchaser's privacy, the name of Plaintiff is not relevant to those concerns.
17 Moreover, requiring Plaintiff to reveal her name may chill others who experienced
18 similar situations from participating in legal proceedings for fear of further
19 invasions of their privacy. Finally, Plaintiff would be entitled to proceed
20 pseudonymously if she was in state court. The Court cannot discern any legitimate
21 reason to not afford her the same protections in federal court.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Unopposed Motion to Proceed under Pseudonym, ECF No. 29,
is **GRANTED**.

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order
and forward copies to counsel.

DATED this 14th day of February 2024.



Stanley A. Bastian

Stanley A. Bastian
Chief United States District Judge